

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MERLE and PAULA ABRAMS, et al.,)
)
Plaintiffs,)
)
v.) No. 3:03-cv-428
) (Phillips/Guyton)
FIRST TENNESSEE BANK NATIONAL)
ASSOCIATION, et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

This matter came before the undersigned for a telephone conference on December 19, 2005, for resolution of a discovery dispute pursuant to Paragraph 4(i) of the Scheduling Order [Doc. 215]. Participating on behalf of the plaintiffs was attorney Brent Watson. Participating on behalf of the defendants First Tennessee Bank National Association and First Horizon Home Loan Corporation (“First Tennessee Defendants”) was attorney Melinda Meador.

The parties’ discovery dispute arises from a subpoena served by the First Tennessee Defendants on the plaintiffs, which seeks documents and information relating to any agreement between the plaintiffs and the defendant New South Federal Savings Bank in this case. The plaintiffs object to producing such documents, arguing that the materials are protected not only by the attorney client privilege but also by the “common interest” or “joint defense” privilege, and are therefore not discoverable.

The parties were unable to resolve their dispute after conference with the undersigned. Accordingly, the parties are hereby **GRANTED** permission to file appropriate written motions addressing this issue with the Court.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge